

## Message Text

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ACTION SNM-05

INFO OCT-01 NEA-10 ISO-00 L-03 PPTE-00 CA-01 SCS-06  
HA-05 H-02 DEAE-00 CIAE-00 INR-10 IO-14 JUSE-00  
NSAE-00 CTME-00 TRSE-00 ICA-20 NSC-05 OES-09  
OMB-01 HEW-06 DODE-00 MED-05 /103 W  
-----020357 301305Z /46

R 301110Z JUL 78  
FM AMEMBASSY ISLAMABAD  
TO SECSTATE WASHDC 8392

UNCLAS SECTION 1 OF 2 ISLAMABAD 7398/1

E.O. 11652: N/A  
TAGS: SNAR, PK  
SUBJ: NARCOTICS LAWS

REF : STATE 170187

1. NARCOTICS LAWS IN PAKISTAN ARE DEALT WITH AT BOTH THE NATIONAL AND PROVINCIAL LEVEL. ACCORDING TO THE 1973 CONSTITUTION, THE FEDERAL GOVERNMENT HAS JURISDICTION OVER INTERPROVINCIAL MOVEMENT AND SALE FOR EXPORT. OPIUM CULTIVATION AND MANUFACTURE OF DANGEROUS DRUGS ARE ON THE CONCURRENT LEGISLATIVE LIST MEANING THAT BOTH THE PROVINCIAL AND NATIONAL GOVERNMENTS CAN WRITE LAWS ON THESE SUBJECTS BUT THE FEDERAL GOVERNMENT HAS THE OVERRIDING POWER. THE PENALTIES IMPOSED FOR AN OFFENSE ARE DETERMINED BY THE PROVINCE THE OFFENSE TOOK PLACE IN AND WHETHER OR NOT THE FEDERAL GOVERNMENT HAD ANY JURISDICTION IN THE CASE. A NEW FEDERAL NARCOTICS LAW HAS JUST BEEN RATIFIED AND IS PRESENTLY IN THE PROCESS OF PROMULGATION. THE NEW FEDERAL NARCOTICS LAW WILL IMPOSE A MINIMUM SENTENCE OF FOUR YEARS. THIS MESSAGE DEALS MAINLY WITH THE OLD FEDERAL NARCOTICS LAWS WHICH ARE CURRENTLY OPERATIVE. ONCE THE NEW FEDERAL LAW IS PUBLISHED AND PROMULGATED WE PLAN TO PROVIDE A SUMMARY OF CHANGES.

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2. NO DISTINCTION IS MADE BETWEEN POSSESSION, TRAFFICKING, CULTIVATION OR FINANCIAL SUPPORT FOR CULTIVATION IN ANY OF THE LAWS. THE PENALTY IS THE SAME FOR ALL. UNDER THE OLD FEDERAL LAWS AND THE LAWS OF PUNJAB AND NWFP THE MAXIMUM SENTENCE FOR ANY DRUG RELATED OFFENSE IS TWO YEARS. THE BALUCHISTAN AND SIND LAWS IMPOSE A MINIMUM SENTENCE OF FOUR YEARS AND A MAXIMUM OF 15. THE OLD

FEDERAL NARCOTICS LAWS DIFFERENTIATE BETWEEN OPIUM AND OPIUM DERIVATIVES (INCLUDING HEROIN) WHICH ARE COVERED BY THE OPIUM ACTS OF 1878 AND 1847 AND THE DANGEROUS DRUGS ACT WHICH ALSO INCLUDES COCA AND ITS DERIVATIVES (COCAINE), HEMP (MARIJUANA) AND MANUFACTURED DRUGS. THE TERM "MANUFACTURED DRUGS" HAS NEVER BEEN DEFINED UNDER CURRENT FEDERAL LAWS. THERE PRESENTLY NO FEDERAL LAWS AGAINST SYNTHETIC DRUGS IN PAKISTAN. POSSESSION OF TWO TOLAS (0.8228 OZ) OF OPIUM IS PERMITTED UNDER THE OPIUM ACT OF 1878. POSSESSION OF EVEN MINUTE QUANTITIES OF OTHER DRUGS IS ILLEGAL. THE PUNJAB EXCISE ACT AND NWFP PROHIBITION ACT DO NOT REGULATE OPIUM BUT THE PENALTY FOR OTHER DRUGS SUCH AS COCAINE AND MARIJUANA IS ALSO TWO YEARS. THERE IS NO SPECIFIC OFFENSE RELATING TO CONSPIRACY TO TRAFFIC, IMPORT OR EXPORT NARCOTICS DRUGS BUT THIS IS CONSIDERED ABETMENT AND IS PUNISHABLE IN THE SAME MANNER AS THE ACTUAL OFFENSE.

3. PENALTIES FOR NARCOTICS AND STIFFER IN BALUCHISTAN, WHICH DID NOT WRITE ITS LAW UNTIL 1973 UNDER THE NEW FEDERAL LAW, AND IN SIND WHICH RECENTLY RAISED THE PENALTIES ASSOCIATED WITH NARCOTICS. THE BALUCHISTAN LAW IS ALSO THE FIRST ONE IN PAKISTAN TO DEFINE THE "ANY OTHER SUBSTANCE" CLAUSE BY EXECUTIVE DIRECTIVE. AMPHETAMINES, BARBITUATES, AND ALL PSYCHOTROPIC UNCLASSIFIED

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SUBSTANCES ARE DEFINED AS DANGEROUS DRUGS IN BALUCHISTAN. AS SUCH THEY ARE ILLEGAL THERE. THE BALUCHISTAN DANGEROUS DRUGS ACT IS ALSO THE FIRST ACT IN PAKISTAN TO IMPOSE A MINIMUM SENTENCE (FOUR YEARS) FOR ANY DRUG RELATED OFFENSE. THE MAXIMUM SENTENCE IS FIFTEEN YEARS. THIS LAW ABOLISHES ALL PREVIOUS NARCOTICS LAWS AND IMPOSES THE SAME SENTENCES AS THE BALUCHISTAN ACT. IT ALSO INCLUDES THE "ANY OTHER SUBSTANCE" CLAUSE WHICH GOP OFFICIALS AT THE NARCOTICS CONTROL BOARD ARE EAGER TO IMPLEMENT. THE BALUCHISTAN ACT WAS THE MODEL FOR THE NEW PAKISTAN DANGEROUS DRUGS ACT.

4. UNTIL RECENTLY NO ONE HAD SERVED A DRUG-RELATED SENTENCE IN A PAKISTANI JAIL. UNDER THE PAKISTAN PENAL CODE ALL OFFENSES WITH A MAXIMUM SENTENCE OF LESS THAN THREE YEARS ARE IMMEDIATELY BAILABLE. THE ACCUSED MUST BE BROUGHT BEFORE A MAGISTRATE WITHIN 24 HOURS (LESS TRAVEL TIME) OF THE TIME HE WAS ARRESTED. AT THIS TIME THE MAGISTRATE SETS BAIL FOR NARCOTICS CASES. AS SUCH THERE WAS NO PERIOD FOR INVESTIGATIVE DETENTION. THE MAGISTRATE USUALLY ALLOWS THE POLICE A REASONABLE PERIOD (ONE WEEK) TO INVESTIGATE THE OFFENSE.

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IF THE INVESTIGATION IS NOT COMPLETE WITHIN THAT PERIOD OF TIME THE INVESTIGATING OFFICER MAY CONTINUE REQUESTING ONE WEEK EXTENSIONS UNTIL HE FEELS THE NECESSARY INVESTIGATION IS COMPLETE. THE EMBASSY AND CONSULAR POSTS ARE USUALLY NOTIFIED WITHIN 2-3 DAYS OF ARRESTS IF THE ACCUSED IS NOT IMMEDIATELY BAILED OUT. THE TRIAL ITSELF TAKES ONE DAY OR LESS AND SINCE THE SENTENCE IS USUALLY LIGHT THERE HAS NEVER BEEN A CASE OF A REVIEW/CONFIRMATION PROCEEDING OR APPELLATE PROCESS. PUBLIC DEFENDERS ARE NOT PROVIDED BUT THERE ARE LAWYERS AVAILABLE FOR A FEE OF APPROXIMATELY DOLS150. THERE IS NO PROVISION FOR PAROLE. MINOR OFFENDERS ARE NOT EXPELLED IN LIEU OF AN APPEARANCE. ALL OFFENDERS ARE SUBJECT TO A TRIAL PROCEEDING.

5. THE CULTIVATION OF ANNABIS IS NOT PROHIBITED. IT GROWS WILD ALL OVER THE COUNTRY. (II) THE CULTIVATION OF THE COCA PLANT IS PROHIBITED. (III) OPIUM POPPY CULTIVATION IS PERMISSIBLE UNDER A LICENSE FROM THE GOVERNMENT. THE PENALTY FOR OPIUM CULTIVATION WITHOUT A LICENSE IS A MAXIMUM TWO YEAR SENTENCE. THE FEDERAL GOVERNMENT THEORETICALLY CONTROLS PRODUCTION BY ISSUING LICENSES. ALL OPIUM GROWN UNDER A LICENSE IS BOUGHT BY  
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THE GOVERNMENT FOR MEDICINAL PURPOSES. DISTRIBUTION OF THIS OPIUM IS ALSO CONTROLLED BY THE GOVERNMENT . THE FEDERAL GOVERNMENT IS RESPONSIBLE FOR INTERPROVINCE TRAFFICKING IN DRUGS WHILE THE PROVINCES ARE RESPONSIBLE FOR INTRAPROVINCE TRAFFICKING. METHODS OF CONTROL MAY BEST BE DESCRIBED AS NON-EXISTENT. THE PENALTIES FOR ELABORATING NARCOTICS SUBSTANCES ARE THE SAME AS THOSE FOR ALL OTHER DRUG RELATED OFFENSES.

6. FINANCIAL SUPPORT IS CONSIDERED ABETMENT AND IS PUNISHABLE EXACTLY THE SAME WAY TRAFFICKING, CULTIVATION, ETC., ARE PUNISHABLE. CURRENCY CONTROL LAWS FORBID THE EXPORTING OF MORE THAN RS. 20 (APPROX DOLS2) AND FOREIGN CURRENCY REGULATIONS ALLOW A PAKISTANI NATIONAL ONLY DOLS500 IN FOREIGN EXCHANGE TO TRAVEL EVERY TWO YEARS. FOREIGN BANK ACCOUNTS ARE PROHIBITED BY PAKISTAN'S CURRENCY LAWS BUT IN PRACTICE ARE BELIEVED TO BE QUITE COMMON. FOREIGN EXCHANGE IS AVAILABLE IN PAKISTAN ON THE BLACK MARKET, AT A RATE CLOSE TO THE OFFICIAL RATE OF EXCHANGE.

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NARCOTICS, DATA, LAW  
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**Copy:** SINGLE  
**Draft Date:** 30 jul 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
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**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014